

TRA's Board of Directors

Resolution No. (9) of the year 2009 Promulgating a Regulation requiring Licensees to implement Lawful Access

TRA's Board of Directors

After perusal of the Telecommunications Law promulgated by Legislative Decree No. 48 of 2002, and in particular Articles 3, 75 and 78 thereof,
The Criminal Proceedings Law promulgated by Legislative Decree No. 46 of 2002, as amended by Law No. 41 of 2005, and in particular Article 93 thereof,
Law No. 58 of 2006 with respect to Protection of the Community against Terrorist Acts, and in particular Article 29 thereof,
And on the basis of the proposal submitted by TRA's General Director,
And after the approval of TRA's Board of Directors,

The following is decided:

The First Article

The provisions of the Regulation requiring Licensees to implement Lawful Access attached to this Resolution, shall apply.

The Second Article

This Resolution and the Regulation attached hereto shall be published in the Official Gazette, and shall take effect on the day following the date of publication.

**Chairman of TRA's Board of Directors
Mohammed Ahmed Al Amer**

**Issued on: 22 Dhu al-Qi'dah 1430 H.
Corresponding to: 10 November 2009**

Regulation requiring Licensees to implement Lawful Access

Article (1) Definitions

In the implementation of the provisions of this Regulation, unless the context otherwise requires, the following words and expressions shall have the meanings set forth corresponding to each one of them:

Implementation of Lawful Access: The Licensee providing all technical resources, including Telecommunications Equipment, systems, programs and communication links, which allow Security Organs to have Access to the Call Content and Access Related Information sent via the Telecommunications network that it is licensed to operate for purposes of fulfilling the requirements of national security.

Security Organs: every entity that is concerned with any national or international security matter in accordance with the applicable laws and regulations of the Kingdom of Bahrain.

Call: means communications conveying voice or data.

Call Content: means the information transmitted during a Call, including the content of a telephone Call, a web page on the Internet, the content of an SMS, or the content of any other type of Call.

Access Related Information: information stated under Article (8) of this Regulation.

Authentication Username: is the data used to identify a given user when accessing an electronic service, software or server. The format of Authentication Usernames is usually in the form of a pseudonym, e-mail address, ID number or any other name.

Calling Line Identification (CLI) Service: indication of the identification number used by the subscriber initiating the Call, by indicating a telephone number, IP address, Authentication Username or other means of uniquely identifying Subscribers (by identifying a single Subscriber only).

Proxy: independent computer system or application software that works on behalf of the user to retrieve websites or electronic content on behalf of the user.

Article (2) Scope of Implementation

The provisions of this Regulation shall apply to all Licensees.

Article (3) Objectives

The objectives of this Regulation are to:

- 1- Require Licensees to implement Lawful Access.
- 2- Prohibit Licensees from offering, operating, or promoting any Telecommunications service before the implementation of Lawful Access.
- 3- Require Licensees to retain Access Related Information.
- 4- Require Licensees to provide Calling Line Identification Service.
- 5- Require Licensees to identify the locations of mobile Telecommunications services Subscribers.

Article (4) Implementation of Lawful Access

- 1- Every Licensee shall implement Lawful Access.
- 2- A Licensee that does not own a Telecommunications network may rely upon the network of other Licensee to implement Lawful Access, but only after obtaining written approval from TRA. This approval shall not prejudice the Licensee's commitment to implement Lawful Access.
- 3- Licensees are prohibited from offering, operating, or promoting any Telecommunications service before the Implementation of Lawful Access.
- 4- TRA may allow a Licensee to provide a Telecommunications service before the implementation of Lawful Access, provided that:
 - a. It is impossible to implement Lawful Access for the Telecommunications service due to technical development reasons.
 - b. TRA obtains written approval from Security Organs to exclude the Telecommunications service in question.
 - c. The Licensee commits to implement Lawful Access for the Telecommunications service as soon as it becomes technically feasible to do so.
- 5- Licensees shall undertake to adopt Lawful Access solutions according to the technical specifications issued by the European Telecommunications Standardization Institute (ETSI) numbers (TS 101 671), (ES 201 671), (TS 101 331), (TR 101 943), (TS 102 232-1), (TS 102 232-2), (TS 102 232-3), (TS 102 232-4), (TS 102 232-5) and (TS 102 232-6), as these specifications are updated from time to time.

Article (5) Lawful Access Implementation Plan

- 1- Before the Implementation of Lawful Access, a Licensee shall provide a Lawful Access Implementation Plan to TRA to obtain written approval. The Plan shall include all technical, administrative and financial details related to the implementation of Lawful Access, retention of Access Related Information, Calling Line Identification Service and identification of the locations of subscribers.
- 2- TRA shall undertake to review the Lawful Access Implementation Plan and obtain written approval from Security Organs for these plans. TRA shall issue the required decision within a maximum of sixty (60) days from the date of submission of the Plan. Not responding within the mentioned timeframe is to be considered an implicit approval of the submitted plan.
- 3- TRA is obliged to provide reasons for rejecting a Lawful Access Implementation Plan, and the Licensee shall take into account such reasons and submit another Plan that addresses TRA's reasons for rejection.
- 4- TRA may extend the review period mentioned in sub-section (2) of this Article by another similar period and it shall notify the Licensee of such an extension and the reasons for it.
- 5- The Licensee must implement Lawful Access within a maximum of six (6) months from the date of TRA's approval of the Lawful Access Implementation Plan.

Article (6) Lawful Access Capability Plan

- 1- A Licensee must submit a Lawful Access Capability Plan to TRA for written approval should the Licensee wish to provide new Telecommunications services, amend the existing Telecommunications services or make any changes that may affect the implementation of Lawful Access. The Plan shall include the steps to be taken by the Licensee to implement Lawful Access for such services, amendments or changes as the case may be.
- 2- TRA shall undertake to review the Lawful Access Capability Plan and obtain written approval from Security Organs for these plans. It shall issue the required decision within a maximum of fourteen (14) days from the date of submission of the Plan. Not responding within the mentioned timeframe is to be considered an implicit approval of the submitted plan.
- 3- Taking into consideration the provisions of sub-section (2) of this Article, the procedures stated in sub-sections (3) and (4) of Article (5) of this Regulation shall apply to the Lawful Access Capability Plan.

Article (7)

Lawful Access Implementation Controls

- 1- Lawful Access shall be implemented in the manner stated in the Lawful Access Implementation Plan which TRA approves in writing in accordance with the provisions of Article (5) of this Regulation.
- 2- A Licensee or any other person shall be restricted from accessing the Call Content and Access Related Information.
- 3- A Licensee shall verify the identity of relevant authorized persons within the Security Organs, and shall not disclose any matters related to Call Content or Access Related Information to any unauthorized person within the said Security Organs in each time such organs are in contact for the purposes of implementing Lawful Access or the other requirements mentioned in this Regulation.
- 4- Authorization of persons involved in Lawful Access from within Security Organs, shall be in the form of a written authorization from the competent person within the respective Security Organ.

Article (8)

Access Related Information

Access Related Information means all data, including messages, sounds, visual images or signals, which pass through the Telecommunications Network of a Licensee as a result of the provision of a Telecommunications service, excluding Call Content, and such Information shall be identified as follows:

a) Access Related Information for fixed and mobile voice Calls:

- I. All numbers, including identifiers associated with a voice Call for all parties of a voice Call, including local, international or other CLI numbers, other identifications that could be used for CLI, information of the wireless phone used including IMEI and IMSI numbers, and forwarded numbers.
- II. Date and time of the start and end of the voice Call.
- III. Call duration.
- IV. The type of voice Call, if any, such as video, voice or other type of Call.
- V. The Call parties' location when starting and ending the Call in the form of address in case of fixed services or longitude and latitude numbers in case of mobile Telecommunications services.

VI. Telecommunications base stations used.

b) Access Related Information for data Calls, such as 3G and GPRS:

- I. Date and time of the Call.
- II. Caller IMSI number.
- III. IP or other relevant address used;
- IV. Mobile phone traffic data exchanged with Licensees in other countries.

c) Access Related Information for SMS, EMS and MMS:

- I. Caller number.
- II. Caller IMEI number.
- III. Sender and receiver number.
- IV. Receiver IMEI number.
- V. Date and time of the Call.
- VI. Message delivery report, if any.
- VII. The Call parties' physical locations when sending or receiving the Call in the form of longitude and latitude numbers.

d) Access Related Information for e-mail only provided by a Licensee:

- I. E-mail access data, including authentication username, date and time of login and logout and IP address logged in from.
- II. Data of the e-mail sent, including authentication username, e-mail addresses used in all the fields (From/To/CC/BCC) and date and time of sending the e-mail.
- III. Data of the e-mail received, including authentication username, e-mail addresses used in all the fields (From/To/CC) and date and time of receiving the e-mail.

e) Access Related Information for Internet Service Providers in general:

- I. Authentication username.
- II. Date and time of login and logout.
- III. IP address used.
- IV. Telephone number used.
- V. Call termination point and, for ADSL subscribers, Media Access Control (MAC) Address.

f) Access Related Information for Internet browsing:

Proxies record data, including time, date, IP addresses used by all parties, website addresses visited, services used and the type of protocol used.

Article (9)
Retention of Access Related Information

- 1- A Licensee shall undertake to retain Access Related Information for one year from the date of each Call that is successfully made between two or more parties whether it results in conveying Call Content or not.

- 2- TRA may exempt some Access Related Information from retention, provided that:
 - a. It is impossible to retain such information due to technical development reasons.
 - b. TRA obtains written approval from the Security Organs to exclude the retention of a specific item of Access Related Information.
 - c. The Licensee commits to retain the information in question as soon as it becomes technically feasible to do so.
- 3- A Licensee shall retain all data used to read or interpret Access Related Information, such as clarifications or mappings of the relationship between authentication username and IP address.
- 4- A Licensee shall undertake to retain Access Related Information securely, and may electronically store a copy or more of Access Related Information in order to do so. A Licensee shall also provide necessary precautions to protect such Information from damage or loss.
- 5- A Licensee shall undertake to retain Access Related Information with full confidentiality.
- 6- A Licensee shall undertake to provide Access Related Information to Security Organs in a period not exceeding one day.
- 7- A Licensee shall undertake to provide the ability to search electronically in all retained Access Related Information, taking into account the requirements of Security Organs for obtaining such information electronically in the least amount of time possible.

Article (10) **Deletion of Access Related Information**

- 1- A Licensee must delete all Access Related Information that exceeds the retention period stated in sub-section (1) of Article (9) of this Regulation.
- 2- Any information used for billing purposes, or for Interconnection or Access purposes as defined in the Telecommunications Law, shall be exempt from the provisions of section (1) of this Article.
- 3- A Licensee may use Access Related Information provided that subscribers' personal data should be deleted from Access Related Information and that a given Call, communication, or record can be narrowed down to no less than ten thousand (10,000) possibilities.
- 4- A Licensee may use Access Related Information for marketing purposes or to provide value added services to its Subscribers only after obtaining the consent of the Subscriber.

- 5- Any information used, obtained or derived from negotiations or transactions relating to Interconnection or Access, as defined in the Telecommunications Law, between Licensees, shall be exempt from the provisions of sub-section (3) of this Article.

Article (11) **Calling Line Identification (CLI) Service**

A Licensee shall undertake to provide a CLI Service with regard to any call originating from its Telecommunications Network and not to compromise CLI information of the call passing through or terminating on the Licensee's Network.

Article (12) **Identification of Subscribers' Locations**

A Licensee must identify the locations of Subscribers of its Telecommunications services, including mobile and fixed services, as follows:

- 1- The full registered address of fixed subscribers.
- 2- The full registered address and the current location of mobile subscribers within a maximum radius of up to 50 meters, in the form of longitudes and latitudes.

Article (13) **Financing**

- 1- Every Licensee shall bear all costs resulting from the implementation of Lawful Access, retention of Access Related Information, provision of CLI Service and identification of the locations of Subscribers, with regard to Telecommunications services it provides.
- 2- TRA shall consider, on a case by case basis, the possibility of supporting the costs stated in sub-section 1 of this Article, through grants or financial loans. TRA shall develop a set of Guidelines for such financing.

Article (14) **Transitional Provisions**

- 1- An operator Licensed before the effective date of this Regulation shall submit to TRA a Lawful Access Implementation Plan according to the provisions of Article (5) of this Regulation, within a maximum period of two (2) months from the effective date of this Regulation.
- 2- An operator Licensed before the effective date of this Regulation shall undertake to provide a CLI Service according to the provisions of Article (11) of this Regulation, within a maximum period of three (3) months from the effective date of this Regulation.

Article (15) **Penalties**

The measures and sanctions stated in the Telecommunications Law shall apply to every Licensee violating the provisions of this Regulation.